

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES LASTRA,

16-cv-3088 (JGK)

Plaintiff,

MEMORANDUM OPINION
& ORDER

- against -

CITY OF NEW YORK, ET AL.,

Defendants.

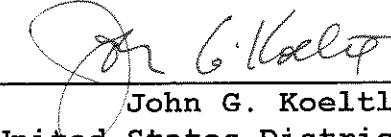
JOHN G. KOELTL, District Judge:

Plaintiff James Lastra has moved for leave to proceed in forma pauperis on appeal. "The decision of whether to grant a request to proceed in forma pauperis is left to the District Court's discretion under 28 U.S.C. § 1915. The Court's discretion is limited in that: An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." Burda Media Inc. v. Blumberg, 731 F. Supp. 2d 321, 322-23 (S.D.N.Y. 2010) (citations and internal quotation marks omitted). The "good faith" standard is an objective one, and it is not met when a party seeks review of a frivolous claim. See Coppedge v. United States, 369 U.S. 438, 445 (1962); Linden v. Harper & Row Publishers, 490 F. Supp. 297, 300 (S.D.N.Y. 1980) (applying the objective good faith standard in the civil context). Here, the plaintiff has failed to demonstrate that his claims have any merit. Accordingly, the plaintiff's application to proceed in forma pauperis is denied,

without prejudice to his ability to seek the same relief from the Court of Appeals. See Coppedge, 369 U.S. at 445. The Clerk is directed to the motion at docket number 119.

SO ORDERED.

Dated: New York, New York
June 15, 2018


John G. Koeltl
United States District Judge